

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION
FEBRUARY 2016 SESSION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

FEB 25 2016

JULIA C. OUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

MARIO LASHAWN CLINTON,
DONALD HICKLIN, AND
JUSTIN LEE MCCARVER

Case No: 6:16CR0002

In Violation Of
18 U.S.C. § 371
18 U.S.C. § 1344
18 U.S.C. § 1028A
18 U.S.C. § 1708
18 U.S.C. § 514(a)(1) and (a)(2)
18 U.S.C. § 2

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE
(18 U.S.C. § 371 – Conspiracy)

A. Introduction

At all times material to this Indictment:

1. The deposits of SunTrust Bank were insured by the Federal Deposit Insurance Corporation.
2. The deposits of HomeTown Bank were insured by the Federal Deposit Insurance Corporation.
3. SunTrust Bank was an “organization” as that term is defined in Title 18, United States Code, Section 513(c)(4).
4. HomeTown Bank was an “organization” as that term is defined in Title 18, United States Code, Section 513(c)(4).

5. E.C. Pace Co, Inc., was an "organization" as that term is defined in Title 18, United States Code, Section 513(c)(4).

6. Downtown Roanoke, Inc. was an "organization" as that term is defined in Title 18, United States Code, Section 513(c)(4).

7. Roanoke County, Virginia was an "State or other political subdivision of the United States" as that term is defined in Title 18, United States Code, Section 513(c)(4).

B. The Conspiracy

9. Beginning on or about March 2014 and continuing through on or about February 2016, in the Western District of Virginia and elsewhere, the defendants MARIO LASHAWN CLINTON, DONALD HICKLIN, JR., and JUSTIN LEE MCCARVER did knowingly, unlawfully, and willfully combine, conspire, confederate, and agree with each other and with other persons, both known and unknown to the Grand Jury, to commit certain offenses against the United States, to wit:

a. Knowingly steal and take, or cause to be stolen and taken, articles of mail from one or more authorized depositories for mail matter, in violation of Title 18, United States Code, Section 1708;

b. Unlawfully possess articles, including checks, which had been contained within mail, as more fully described below in the schedule of checks described in Counts Two through Seventeen, which they knew had been stolen and taken from authorized depositories for mail matter, in violation of Title 18, United States Code, Section 1708;

c. Knowingly possess and use a means of identification of another person, the name and signature of a signatory, without lawful authority, during and in relation to an enumerated felony, to wit, bank fraud in violation of 18 U.S.C. § 1344, in violation of Title 18, United States Code, Section 1028A;

d. Execute a scheme to defraud federally insured financial institutions and to obtain money owned by and under the control of such financial institutions by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344;

e. Intentionally draw, print, process, produce, publish, and otherwise make, within the United States, a false or fictitious instrument, a check, appearing, representing, and purporting to be an actual security and instrument issued under the authority of an organization, in violation of Title 18, United States Code, Section 514(a)(1);

f. Intentionally pass, utter, and present, within the United States, a false or fictitious instrument, a check, appearing, representing, and purporting to be an actual security and instrument issued under the authority of an organization, in violation of Title 18, United States Code, Section 514(a)(2); and

g. To commit all of the foregoing acts as principals and as aiders and abettors, in violation of Title 18, United States Code, Section 2.

C. The Manner and Means

The manner and means utilized to accomplish the objects of the conspiracy included, among others, the following:

10. It was part of the conspiracy that the defendants and others, as members of the conspiracy, would and did steal mail matter containing checks from the United States mails and authorized mail receptacles (mail and letter boxes) from in and around business locations.

11. It was further part of the conspiracy that the defendants, and others, would and did alter the stolen checks to be payable to individuals who were recruited to pass the stolen checks.

12. It was further part of the conspiracy that the defendants, and others, would and did recruit others to pass the stolen checks at various banks, providing them at times with false identification for this purpose.

13. It was further part of the conspiracy that the defendants, and others, would and did operate both independently and in concert to drive their recruits to specific banks of their choosing for the purpose of passing the stolen checks.

14. It was further part of the conspiracy that the defendants, and others, would and did attempt to cause the loss to SunTrust Bank, Christiansburg, Virginia, of \$1,977.90.

15. It was further part of the conspiracy that the defendants, and others, would and did attempt to cause the loss to SunTrust Bank, Hardy, Virginia, of approximately \$3,823.00.

16. It was further part of the conspiracy that the defendants, and others, would and did attempt to cause the loss to HomeTown Bank, Moneta, Virginia, of \$1,450.00

D. Overt Acts

In furtherance of the conspiracy and to achieve the objects thereof, the following overt acts, among others, were committed within the Western District of Virginia and elsewhere:

17. On or about June 28, 2015, defendants Mario Lashawn Clinton ("Clinton") and Justin Lee McCarver ("McCarver") stole, or caused to be stolen, mail containing business checks from the mailbox of Tidy Services, LLC, located at 2011 Cook Drive, Salem, VA 24153.

18. Between on or about June 28, 2015 and 12:17 p.m. on June 29, 2015, defendants Clinton and McCarver possessed a business check made payable to Tidy Services by the County of Roanoke, in the amount of \$1,977.90 (the "Roanoke County" check).

19. Between on or about June 28, 2015 and 12:17 p.m. on June 29, 2015, defendants Clinton and McCarver altered the Roanoke County check to reflect the defendant, Justin Lee McCarver, as the payee.

20. On or about June 29, 2015 at 12:17 p.m., defendant McCarver cashed the Roanoke County check at a SunTrust Bank in Christiansburg, Virginia.

21. On or about July 12, 2015, defendant McCarver cashed another stolen and altered Tidy Services check, in his own name as payee.

22. Defendants Donald Hicklin, Jr. ("Hicklin") and Mario Clinton possessed stolen Tidy Services checks, as described in Paragraph 17, roughly a week later.

23. On or about July 7, 2015, defendant Clinton recruited L.W., whose full name is known to the Grand Jury, to pass stolen and altered checks at targeted banks, including stolen and altered Tidy Services checks.

24. On or about the early morning hours of July 8, 2015, defendant Clinton sent or caused to be sent a text message from his phone to the phone of L.W., advising her to be dressed in business attire and ready to leave as early as 8:00 in the morning.

25. On or about 8:00 that morning, as instructed by Clinton, L.W. was picked up at her home in or near Charlotte, North Carolina by defendant Hicklin, in a white Kia Rio vehicle.

26. Defendant Hicklin drove L.W. to a Shell gas station parking lot.

27. Thereafter, defendant Clinton pulled into the Shell gas station parking lot in a gray sedan.

28. Defendant Hicklin entered defendant Clinton's sedan, and then returned to the white Kia Rio vehicle with an envelope containing at least two stolen and altered checks.

29. Defendant Hicklin then drove L.W. northbound in the white Kia Rio vehicle, into the Commonwealth of Virginia.

30. Defendant Hicklin, drove L.W. to a SunTrust Bank in Hardy, Virginia, for the purpose of passing stolen checks.

31. Upon reaching SunTrust Bank, defendant Hicklin provided L.W. with a stolen check originally made payable to Tidy Services by Downtown Roanoke, Inc., in the amount of \$488.36, which had been altered by members of the conspiracy to reflect L.W. as the payee, in the increased amount of \$3,823.00 (the "Downtown Roanoke" check).

32. L.W. cashed the altered Downtown Roanoke check at the SunTrust Bank in Hardy, Virginia, as instructed by Hicklin.

33. After cashing the check, L.W. departed SunTrust Bank and returned to the white Kia Rio vehicle in which defendant Hicklin was waiting.

34. Defendant Hicklin then drove L.W. to HomeTown Bank in Moneta, Virginia for the purpose of passing additional stolen checks.

35. Upon reaching Hometown Bank, defendant Hicklin provided L.W. with a stolen check originally made payable to Tidy Services by E.C. Pace Co., Inc., in the amount of \$89.51, which had been altered by members of the conspiracy to reflect L.W. as the payee, in the increased amount of \$1,450.00 (the "E.C. Pace" check).

36. L.W. cashed the altered E.C. Pace check at HomeTown Bank in Moneta, Virginia, as instructed by Hicklin.

37. Upon her departure from the bank, L.W. crossed the road to return to the white Kia Rio vehicle in which defendant Hicklin was waiting.

38. A HomeTown Bank employee followed L.W. from the bank and watched as defendant Hicklin drove away in the white Kia Rio vehicle with L.W. as passenger.

39. As they drove away, defendant Hicklin placed a phone call to defendant Mario Clinton, and then attempted to destroy the phone he had used to place the call.

40. Minutes later, law enforcement officers stopped L.W. and defendant Hicklin in the white Kia Rio vehicle, at which time they found Hicklin and L.W. in possession of the \$1,450.00 in cash they had received from HomeTown Bank.

41. At the time of the law enforcement stop, defendant Hicklin possessed a broken phone that he had used during his attempted getaway to contact defendant Mario Clinton.

42. At the time of the law enforcement stop, defendant Hicklin possessed one or more stolen checks bearing the fingerprint of defendant Mario Clinton, which he had stashed in the white Kia Rio vehicle.

43. The events in paragraphs 23 - 41 occurred seriatim on or about July 8, 2015, within the Western District of Virginia and elsewhere.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH SEVENTEEN
(18 U.S.C. § 1344 - Bank Fraud)

A. Count One of this Indictment is re-alleged and incorporated herein by reference.

B. From in or about March 2014 through in or about February 2016, within the Western District of Virginia and elsewhere, the defendants MARIO LASHAWN CLINTON, DONALD HICKLIN, and JUSTIN LEE MCCARVER, aided and abetted by each other, did knowingly execute and attempt to execute a scheme and artifice to defraud the financial institutions listed in the table below and identified in the column entitled "Issuing Bank", all of which maintain deposits insured by the Federal Deposit Insurance Corporation, and to obtain money and funds under the custody and control of such financial institutions by means of false and fraudulent pretenses, representations, and promises.

SCHEDULE OF STOLEN AND ALTERED CHECKS							
Ct.	Attempt Date	Issuing Bank	Where Presented	Check No.	Payor/Acct Holder	ID Victim	Transaction Detail
2	5/6/14	StellarOne Bank	Union First Market Bank, Chesterfield VA	59483	Stamp Tech	T.D.	Originally made payable to Progressive Machine Works in amount of \$2,451.00. Altered to reflect Tabatha Leigh Williams as payee.
3	8/4/14	Union First Market Bank	Union First Market Bank, Waynesboro VA	3553	Virginia Diodes, Inc.	T.C.	Originally made payable to Hutchins & Hutchins, Inc. in amount of \$1,192.36. Altered to reflect Jennifer Patrice Cauthen as payee.
4	8/19/14	StellarOne Bank	Union First Market Bank, Forest VA	2262	Forest Foot & Ankle Center PLLC	S.C.	Originally made payable to Deitz Lilly in amount of \$2,781.00. Altered to reflect Kendra Ellen Duncan as payee.
5	8/19/14	The Bank of Fincastle	The Bank of Fincastle Bedford VA	271095	Lawrence Transportation Systems	M.R. C.D.	Originally made payable to Hyland Auto Parts in amount of \$124.00. Altered to reflect Stephanie Lee Ratliff as payee, in amount of \$1,855.95.
6	8/27/14	StellarOne Bank	Union First Bank, Bedford VA	30810	Diversified Insurance Brokerage, Ltd:	M.D.	Originally made payable to David A. Carter in amount of \$835.31. Altered to reflect Kendra Ellen Duncan as payee, in amount of \$3,250.00.
7	8/27/14	BB&T	BB&T, Forest VA	880011	Stacy Rhea Stuart	S.S.	Originally made payable to CLC Lawn Care in amount of \$4,982.65. Altered to reflect Kendra Ellen Duncan as payee.
8	8/27/14	Regions Bank	SunTrust Bank, Hardy VA	8988	Cornerstone Cabinets & Design, Inc.	T.K.	Originally made payable to US Cellular in amount of \$2,150.00. Altered to reflect Kendra Ellen Duncan as payee.
9	8/29/14	StellarOne Bank	Union First Market Bank, Rocky Mount VA	31461	World Help	A.V.	Originally made payable to Forest Automotive, Inc. in amount of \$216.00. Altered to reflect Stephanie Lee Ratliff as payee, in amount of \$989.74.
10	9/5/14	SunTrust Bank	SunTrust Bank, Rocky	1279520	County of Roanoke	K.H. R.O. A.R.	Originally made payable to Hyland Auto Parts, Inc. in amount of \$216.00. Altered

			Mount VA			T.G.	to reflect Kendra Ellen Duncan as payee, in amount of \$1,850.00.
11	6/29/15	SunTrust Bank	SunTrust Bank, Christiansburg VA	48505	County of Roanoke / Treasurer	K.H. R.O. A.R. T.G.	Originally made payable to Tidy Services in amount of \$1,977.90. Altered to reflect Justin Lee McCarver as payee.
12	7/2/15	Union First Market Bank	BB&T, Lowell NC	486044	Montgomery County School Board	J.S. C.P. W.S.	Originally made payable to Fisher Auto Parts in amount of \$49.98. Altered to reflect Scotty Lee Harbin as payee, in amount of \$443.98.
13	7/8/15	SunTrust Bank	SunTrust Bank, Hardy VA	6904	Downtown Roanoke, Inc.	T.W.	Originally made payable to Tidy Services in amount of \$488.36. Altered to reflect Leslie Ann Woods as payee, in amount of \$3,823.00.
14	7/8/15	Home Town Bank	HomeTown Bank, Moneta VA	58034	E.C. Pace Company, Inc.	M.P.	Originally made payable to Tidy Services in amount of \$89.51. Altered to reflect Leslie Ann Woods as payee, in amount of \$1,450.00.
15	7/12/15	Peoples Bank	Wal-Mart	48505	Denver Construction Company	J.P.	Originally made payable to Tidy Services in amount of \$539.20. Altered to reflect Justin Lee McCarver, TBC Ass LLC as payee.
16	1/26/15	Regions Bank	SunTrust Bank, Hardy VA	10247	Cornerstone Cabinets & Design	T.K.	Originally made payable to Cookes Glass Service in amount of \$96.70. Altered to reflect Kiante Larry Williams as payee, in amount of \$1,950.00.
17	On deposit	Valley Bank	Lee's Quick Stop, Mt. Holly NC	8187	Habitat for Humanity Roanoke Valley	J.D.	Originally made payable to Tidy Services in amount of \$345.00. Altered to reflect Brooklyn Anthony as payee.

All in violation of Title 18, United States Code, Sections 1344 and 2.

**COUNTS EIGHTEEN THROUGH THIRTY-SEVEN
(18 U.S.C. § 1028A - Aggravated Identity Theft)**

From in or about March 2014 through in or about February 2016, within the Western District of Virginia and elsewhere, the defendants MARIO LASHAWN CLINTON, DONALD HICKLIN, and JUSTIN LEE MCCARVER, aided and abetted by each other, did knowingly

possess and use, without lawful authority, a means of identification of another person, that is, the name and signature of account signatories listed under the column "ID Victim" in the Schedule of Stolen and Altered Checks above, whose full names are known to the Grand Jury, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit, bank fraud in violation of 18 U.S.C. § 1344, as alleged in Counts Two through Seventeen, which counts are re-alleged and incorporated herein by reference.

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT THIRTY-EIGHT
(18 U.S.C. § 1708 - Mail Theft)

Between June 25, 2015 and July 8, 2015, within the Western District of Virginia, and elsewhere, the defendants MARIO LASHAWN CLINTON, DONALD HICKLIN, and JUSTIN LEE MCCARVER, aided and abetted by each other, did take, steal, and abstract mail from and out of an authorized depository of mail matter located at or near 2011 Cook Drive, Salem, VA 24153.

All in violation of Title 18, United States Code, Sections 1708 and 2.

COUNTS THIRTY-NINE AND FORTY
(18 U.S.C. § 1708 - Possession of Stolen Mail Matter)

On or about July 8, 2015, within the Western District of Virginia and elsewhere, the defendant DONALD HICKLIN, aided and abetted by MARIO LASHAWN CLINTON, JUSTIN LEE MCCARVER, and each other, did unlawfully have in his possession the two checks described below, which had been contained in mail taken, stolen, and abstracted from an authorized depository for mail matter located at or near 2011 Cook Drive, Salem, Virginia, 24153, knowing the same to have been taken, stolen, and abstracted:

Count	Check Number	Issuing Bank	Account Holder	Original Amount	Original Payee
39	6904	SunTrust Bank	Downtown Roanoke, Inc.	\$488.36	Tidy Services
40	58034	Hometown Bank	E.C. Pace Company, Inc.	\$89.51	Tidy Services

All in violation of Title 18, United States Code, Sections 1708 and 2.

COUNT FORTY-ONE
(18 U.S.C. § 1708 - Possession of Stolen Mail Matter)

On or about June 29, 2015, within the Western District of Virginia and elsewhere, the defendant JUSTIN LEE MCCARVER, aided and abetted by MARIO LASHAWN CLINTON, DONALD HICKLIN, JR., and each other, did unlawfully have in his possession the check described below, which had been contained in mail taken, stolen, and abstracted from an authorized depository for mail matter located at or near 2011 Cook Drive, Salem, Virginia, 24153, knowing the same to have been taken, stolen, and abstracted:

Count	Check Number	Issuing Bank	Account Holder	Original Amount	Original Payee
41	1301806	SunTrust Bank	Roanoke County Treasurer	\$1,977.90	Tidy Services

All in violation of Title 18, United States Code, Sections 1708 and 2.

COUNT FORTY-TWO
(18 U.S.C. § 1708 - Possession of Stolen Mail Matter)

On or about July 12, 2015, within the Western District of Virginia and elsewhere, the defendant JUSTIN LEE MCCARVER, aided and abetted by MARIO LASHAWN CLINTON, DONALD HICKLIN, JR., and each other, did unlawfully have in his possession the check described below, which had been contained in mail taken, stolen, and abstracted from an authorized depository for mail matter located at 2011 Cook Drive, Salem, VA 24153, knowing the same to have been taken, stolen, and abstracted:

Count	Check Number	Issuing Bank	Account Holder	Original Amount	Original Payee
42	48505	Peoples Bank	Denver Construction Company	\$539.20	Tidy Services

All in violation of Title 18, United States Code, Sections 1708 and 2.

**COUNTS FORTY-THREE THROUGH FORTY-FIVE
(18 U.S.C. § 514 - Fictitious Obligations)**

A. Count One of this Indictment is re-alleged and incorporated herein by reference.

B. From in or about March 2014 through in or about January 2016, within the Western District of Virginia and elsewhere, the defendants MARIO LASHAWN CLINTON, DONALD HICKLIN, JR., and JUSTIN LEE MCCARVER, aided and abetted by each other, with the intent to defraud, did and attempted to draw, print, process, produce, publish, and otherwise make, within the United States, the false and fictitious checks described below, appearing, representing, and purporting to be actual financial instruments issued under the authority of an organization.

Count	Check Number	Issuing Bank	Account Holder	Original Amount	Original Payee
43	6904	SunTrust Bank	Downtown Roanoke, Inc.	\$488.36	Tidy Services
44	58034	Hometown Bank	E.C. Pace Company, Inc.	\$89.51	Tidy Services
45	1301806	SunTrust Bank	Roanoke County Treasurer	\$1,977.90	Tidy Services

All in violation of Title 18, United States Code, Sections 514(a)(1) and 2.

**COUNTS FORTY-SIX THROUGH FORTY-EIGHT
(18 U.S.C. § 514 - Fictitious Obligations)**

A. Count One of this Indictment is re-alleged and incorporated herein by reference.

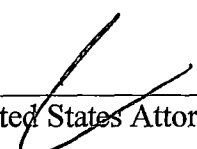
B. From in or about March 2014 through in or about February 2016, within the Western District of Virginia and elsewhere, the defendants MARIO LASHAWN CLINTON, DONALD HICKLIN, JR., and JUSTIN LEE MCCARVER, aided and abetted by each other, with the intent to defraud, did and attempted to pass, utter, and present, within the United States, false and fictitious checks appearing, representing, and purporting to be actual financial instruments issued under the authority of an organization.

Count	Check Number	Issuing Bank	Account Holder	Original Amount	Original Payee
46	6904	SunTrust Bank	Downtown Roanoke, Inc.	\$488.36	Tidy Services
47	58034	Hometown Bank	E.C. Pace Company, Inc.	\$89.51	Tidy Services
48	1301806	SunTrust Bank	Roanoke County Treasurer	\$1,977.90	Tidy Services

All in violation of Title 18, United States Code, Sections 514(a)(2) and 2.

A true bill this 25th day of February, 2016.

/s/ Grand Jury Foreperson
Grand Jury Foreperson



United States Attorney